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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,398	01/20/2000	Bernhard Lucas	1047	4407
7590 08/02/2005 Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743			EXAMINER LEE, BENNY T	
			ART UNIT 2817	PAPER NUMBER

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire Three (3) month(s), 30 days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-9 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-9 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☒ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☒ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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The disclosure is objected to because of the following informalities: Page 4, line 13, note that the “=” symbol should be rewritten for clarity. Page 6, line 4, note that “A” should be rephrased as --According to Figures 1-5, a-- for consistency of description; line 10, note that -- (see Figure 1)-- should follow “8” for consistency of description. Page 7, line 2, note that “roll” should be correctly spelled as --role--. Note that a --,-- should follow the following words at the indicated location: “1” (p 6, l. 12); “device” (p 7, l. 6); “3” (p 7, l. 13); “4” (p 7, l. 17); “5” and “embodiment” (p 7, l. 20). Note that reference label “9” (in Figs. 2, 3, 4) and reference label “9” (in figs. 2, 3) need description with respect to these drawing figures. Appropriate correction is required.

Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 1, note that the specification fails to provide an adequate written description regarding what characterizes “reproducible spring properties” such that one skilled in the art would not have been able to make and use the invention, without resorting to “undue experimentation”.

Moreover, in claim 1, note that the specification fails to provide an adequate written description regarding how a sliding contact can occur if such contact is glued to the spring, such that one skilled in the art is not able to make and use this aspect of the invention, without resorting to “undue experimentation”.

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Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, note that in view of the various alternatives recited in the claim, it is unclear what characterizes the exact metes and bounds of the claimed invention.

In claim 9, note that in view of the "U-shape" spring recited in claim 1, it is unclear whether the "parallel" configuration recited herein can properly depend from claim 1.

Note that the following claims have been found objectionable for reasons set forth below:

In claims 1, 2, 5, note that each occurrence of "means of" should be deleted as being unnecessary.

In claim 1, lines 4, 7, note that --two-- should be inserted prior to "contacting area" for consistency of description; line 7, note that "another" should be rewritten as --the other-- for consistency of description.

In claim 6, should "is" be rewritten as --including-- for a proper characterization?

In claims 8, 9, note that "both surfaces ... contacting the ..." should be rephrased for a better characterization.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the Japanese ('002) reference (cited by applicants').

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The Japanese ('002) reference pertains to a convertor between a microstrip conductor (5) on a strip substrate (6) and a waveguide (1) with a stepping transformer (3b). The convertor is effected through a leaf or coiled spring (4) of elastic material which is fixed or bonded (e.g. adhesively) at a contact area to transformer (3b) at one end thereof while the other end of the spring (4) is in parallel to the one end and is slidably pressed into contact with the microstrip conductor (5) at a contact area thereof. Note that by virtue of the sliding contact, stable characteristics can be maintained despite relative movement of the waveguide and microstrip conductor due to heat or external forces. Note that the elastic nature of the spring (4) inherently imparts reproducible spring properties. Moreover, note that the method steps in claims 2-5 are not given patentable weight as they pertain to how the final claimed apparatus was obtained.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese ('002) reference (cited by applicants') in view of Maillet et al.

The Japanese ('002) reference meets the claimed invention except for the coiled spring contacting a surface of the ridge which is perpendicular to a contact surface of the microstrip conductor.

Maillet et al discloses that a waveguide transformer or ridge (12) can be connected to a microstrip conductor (14) through a link (23) contacting surfaces on the ridge (12) and the conductor (14), which are orthogonal to each other.

Accordingly, it would have been obvious to have modified the coiled spring in the Japanese ('002) reference such that it would have contacted a surface of the transformer which is orthogonal to the contact surface on the microstrip conductor, as taught in fig. 2 of Maillet et al. Such a modification would have been considered obvious since Maillet et al recognizes that the orthogonal contacting configuration would have been recognized as an alternative to a "parallel" connection through a link (20), whereby the "parallel" connection in Maillet et al corresponds to the connection in the Japanese ('002) reference, thereby suggesting the obviousness of the combination.

Any inquiry concerning this communication should be directed to Benny Lee at telephone number 571 272 1764.

B. Lee


BENNY T. LEE
PRIMARY EXAMINER
ART UNIT 2817